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LETTER MOTION

August 12, 2021

VIA ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Doe v. Columbia University, No. 1:20-cv-05019 (LAK)

Dear Judge Kaplan:

The undersigned represents Plaintiff John Doe in the above-referenced action. Yesterday, I filed what was intended to be a letter motion stating at the conclusion of the letter: "Plaintiff respectfully moves that the Court direct the parties to propose a litigation schedule to be so ordered by the Court subject to any alterations that the Court deems proper." (ECF 55.) Thereafter, yesterday, counsel for Defendant Columbia filed a letter questioning whether I had intended to make a motion. (ECF 57.) Given the language in my letter, I don't know why there was a question about it.

As stated in my letter yesterday, the Stipulation and [Proposed] Order (ECF 49), which has now so ordered by the Court (ECF 56), contained "Whereas" clauses reflecting the parties' disagreement about starting discovery in this case. Plaintiff's position is that Defendant had the benefit of a stay pending the motion to dismiss that your Honor has denied as moot given the filing of the Amended Complaint (ECF 49) and that the fact Defendant intends to make a second motion to dismiss, this time against the Amended Complaint, does not warrant a second stay being entered.

Respectfully submitted,
NESENOFF & MILTENBERG LLP
By: Philip A. Byler
Philip A. Byler, Esq.

cc: Roberta Kaplan, Esq.
Gabrielle Tenzer, Esq.